IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1280 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHINABHAI RAJABHAI CHHATRODIA

Versus

VANKAR HARIJAN KALA MASRIWALA

Appearance:

1. Misc.Civil Application No. 1280 of 2004

MR PJ KANABAR for Petitioner No. 1

MR RC KAKKAD for Respondent No. 1

RULE SERVED for Respondent No. 2-8

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/09/2004

ORAL JUDGEMENT

This is an application under Section 24 of C.P.C., by which it is prayed that Misc.Civil Appeal

No.36/2004 pending before the District Court, Veraval, be transferred to this Court so that it can be heard with Appeal from Order No.199/2004. However, so far as Appeal from Order No.199/2004 is concerned, the same was preferred by the respondents herein and learned Single Judge of this Court by his order dated 5th August, 2004, disposed of the said Appeal from Order. Under these circumstances, now there is no question of hearing both the proceedings together.

2) Mr.Kanabar, learned advocate for the petitioner submitted that so far as Misc.Civil Appeal No.36/2004 is concerned, it is to be disposed of on the same line on which Appeal from Order No.199/2004 is disposed. However, Misc.Civil Appeal is pending before the District Judge, Veraval, for adjudication and it will be open for the parties to rely upon the order of this Court at the time of hearing of Misc.Civil Appeal No.36/2004 and on this point, this Court is not expected to express any opinion. It is needless to say that Misc.Civil Appeal No.36/2004 will be disposed of by the District Judge in accordance with law. In my view, it is not necessary to bring Misc.Civil Appeal No.36/2004 before this Court when Appeal from Order No.199/2004 is already disposed of by this Court.

3) Subject to what is stated hereinabove, this Misc.Civil Application is rejected. Rule is discharged. No costs.

(P.B.Majmudar,J.)
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